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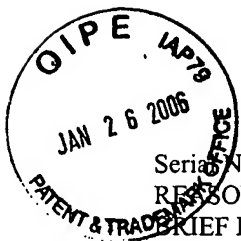
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		2002-0210 / 24061.475	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>January 23, 2006</u> Signature <u>Karen L. Underwood</u> Typed or printed name <u>Karen L. Underwood</u>		Application Number	Filed
		10/714,304	November 14, 2003
		First Named Inventor	
		Chao-Cheng Chen	
		Art Unit	Examiner
		2823	Estrada, Michelle
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Steven T. McDonald	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>45,999</u>		Typed or printed name	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		(972) 739-8644	
		Telephone number	
		January 23, 2006	
		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Serial No.: 10/714,304  
REASONS IN SUPPORT OF PRE-APPEAL  
BRIEF REQUEST FOR REVIEW

Patent / Docket No. 24061.475/TS02-0210  
Customer No.: 42717

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	Attorney Docket No. 24061.475
Chao-Cheng Chen	§	(TS02-0210)
	§	
Serial No.: 10/714,304	§	Customer No. 42717
	§	
Filed: November 14, 2003	§	Group Art Unit: 2823
	§	
For: A NEW DAMASCENE PROCESS	§	Examiner: Estrada, Michelle
FLOW FOR POROUS LOW-K	§	
MATERIALS	§	

**REASONS IN SUPPORT OF**  
**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Please consider the following reasons in support of the concurrently filed Pre-Appeal Brief Request for Review.

**Reasons**

I. Applicant submits that there is clear error with respect to the Examiner's rejection of claims 1, 4-8, and 10-14 under 35 U.S.C. § 103(a) in light of U.S. Patent Application No. 2004/0166669 to Saito ("Saito") in view of U.S. Patent Application No. 2003/0054629 to Kawai et al. ("Kawai"). More specifically, as detailed on pages 12-13 of Applicant's Response (filed November 15, 2005) to the Final Office Action (dated August 23, 2005), the rejection of claims 1, 4-8, and 10-14 is deficient because the prior art clearly fails to teach or suggest the claim 1 limitation reciting "forming a protective film portion over at least the exposed portion of the conductive

layer, the protective film portion being comprised of the elements C and H.” Particularly, the allegation that the polymeric member (4) of Saito asserted as disclosing a protective film as described in the subject application is in error. The polymeric member of Saito is neither shown or described in any manner that indicates the member comprises a film. Applicants submit that assertion that the elongate polymeric member of Saito constitutes a film is in error and is not supported by any description or depiction of Saito. Claims 4-8 and 10-14 depend from and further limit claim 1 and therefore suffer from the same error as claim 1.

### **Conclusion**

It is respectfully submitted that all the claims in the application are in condition for allowance.

Respectfully submitted,



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Dated: January 23, 2006  
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File: 24061.475/TS02-0210

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 23, 2006.

  
Karen L. Underwood